

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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CERVECERIA MODELO, S.A. DE C.V. and  
MARCUS MODELO, S.A. DE C.V.,  
Plaintiffs,

-against-

07 CV 7998

USPA ACCESSORIES LLC d/b/a.  
CONCEPT ONE ACCESSORIES,  
Defendant.

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42 West 38th Street  
New York, New York  
March 31, 2008  
10:13 A.M.

DEPOSITION of JEAN MARIE RUFFINI, the Witness  
appearing on behalf of the Plaintiff herein, taken  
pursuant to Notice, and held at the above time and  
place before Susan Marrone, a stenotype reporter and  
Notary Public of the State of New York.

1 JEAN MARIE RUFFINI

2 dated November 1st, 2006 between Jean Marie  
3 Ruffini and Sam Hafif, marked for  
4 Identification.)

5 Q Does this refresh your recollection  
6 that on November 1st, 2006 Sam Hafif wrote to you  
7 and said, quote, noticed bags fell out of the  
8 contract; do you see that?

9 A Yes.

10 Q Does that refresh your recollection  
11 that Sam commented to you about the bags in  
12 November of 2006?

13 A Yes.

14 Q Did you also notice that bags had  
15 fallen out of the contract?

16 A No.

17 Q What did you do when you received Sam's  
18 e-mail?

19 A I don't recall probably talked to Juan  
20 and said we think -- I think -- I think.

21 Q When you say Juan, you mean Juan  
22 Fernandez?

23 A Yes.

24 Q And, in fact, did you respond in the  
25 e-mail immediately above quote, Hi, Sam, I think

1 JEAN MARIE RUFFINI

2 we can add these in Exhibit B and e-mail to you;  
3 do you see that?

4 A Yes.

5 Q Are you referring -- when you say the  
6 word "these," are you referring to bags?

7 A Yes.

8 Q And does Exhibit B refer to the last  
9 page of Exhibit 17?

10 A Yes.

11 Q Miss Ruffini, was it, in fact, your  
12 understanding that bags had been added to Concept  
13 One's license?

14 A I don't know.

15 MR. TOKAYER: Off the record.

16 (Discussion held off the record.)

17 \*\*\* (TESTIMONY FROM PAGE 110, LINE 17 THROUGH PAGE 114,  
18 LINE 11 HAS BEEN EXTRACTED AND PLACED UNDER  
19 SEPARATE COVER FOR CONFIDENTIALITY UNDER PROTECTIVE  
20 ORDER.)

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT

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CERVECERIA MODELO, S.A. DE C.V. and MARCAS  
MODELO S.A. DE C.V.,

Plaintiffs,

Index No.

-against-

07 CV 7998

USPA ACCESSORIES LLC d/b/a CONCEPT ONE  
ACCESSORIES,

Defendant.

-----X

666 Fifth Avenue  
New York, New York

July 25, 2008  
9:47 a.m.

EXAMINATION BEFORE TRIAL of MODELO, the  
Plaintiff herein, by JOSE PARES, taken by  
the Defendant, pursuant to Order, held at  
the above-noted time and place, before KAREN  
GOLDSTEIN, a Notary Public of the State of  
New York.

1 JOSE PARES

2 to affix the Corona brand to flip-flops?

3 THE WITNESS: Could you read the  
4 question again, please?

5 (Whereupon, the record was read  
6 as requested.)

7 A Not that I recall.

8 Q Now, I'll just asking you to  
9 compare the two licenses that I just showed  
10 you, the 2007, which is Exhibit 17 and  
11 Exhibit 1, which is the 2004 license. Okay?

12 A Mmhhh.

13 Q And you'll see that Exhibit 1  
14 has bags and Exhibit 17 does not have bags.  
15 Do you see that?

16 A Mmhhh.

17 Q In 2006 --

18 A Yes?

19 Q -- did Mr. Fernandez ask you  
20 whether bags could be added to Concept One's  
21 license for 2007?

22 A Not that I recall.

23 Q Did Jean Marie Ruffini?

24 A Not that I recall.

25 Q Did you know that Concept One



had asked to have bags added to its 2007

Q Would you have had any problems adding bags to Concept One's 2007 license?

A It would depend if it delivers what I am looking for in terms of building the brand.

Q I'm not talking about the design.

A No, no, no.

Q I mean just the category. Did you have any problems affixing the Corona mark to bags for 2007?

A To bags, in general?

Q Yes.

A No.

Q Do you know of any licensees who had bags in 2006, who were not being renewed to continue for 2007?

THE WITNESS: Read the question again, please.

(Whereupon, the record was read as requested.)

1 JOSE PARES

2 A I don't recall that. I don't  
3 remember that part.

4 Q Let me show you what has been  
5 previously marked as Exhibit 18. It's a  
6 string of e-mails from Mr. Hafif to Jean  
7 Marie Ruffini and then a response. I'm just  
8 going to ask you whether or not you ever saw  
9 Exhibit 18 before today.

10 A This is the first time that I  
11 see this paper.

12 Q That's my question. Seeing  
13 Exhibit 18, does that refresh your  
14 recollection as to anything with respect to  
15 the subject matter of Exhibit 18, Sam's  
16 request to add bags to the license for 2007?

17 A As I told you, this is the first  
18 time that I see this. And no, I don't  
19 recall talking about the specifics between  
20 Concept One and bags.

21 MR. SAUNDERS: Off the record.

22 (Whereupon, a discussion was  
23 held off the record.)

24 Q Are you familiar with a company  
25 called Bioworld?